

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

GRAND TRUNK WESTERN RAILROAD	:	
INCORPORATED, a Delaware Corporation	:	
	:	
Plaintiff,	:	CASE NO.
	:	
vs.	:	CIVIL ACTION
	:	
LANSING ASPHALT TERMINAL LLC. A	:	COMPLAINT
Delaware LLC	:	
	:	
Defendant.	:	

Plaintiff, GRAND TRUNK WESTERN RAILROAD INCORPORATE (hereinafter “GTW”) by way of Complaint against defendant, LANSING ASPHALT TERMINAL LLC (hereinafter “LANSING”), says:

JURISDICTION

The Court obtains jurisdiction in this matter because of the concurrent jurisdiction with the Surface Transportation Board (“STB”), brought by Plaintiff GTW, an interstate railway carrier subject to the jurisdiction of the STB, to recover from LANSING demurrage charges pursuant to 28 U.S.C.A. § 1337(a) (a federal question jurisdiction), and being a cause of action arising under the Interstate Commerce Act 49 U.S.C.A. §10702 and 49 U.S.C.A. §10746 for demurrage charges.

PARTIES

1. Plaintiff GTW is a Delaware Corporation with its principal place of business at 17641 South Ashland Avenue, Homewood, Illinois 60430 USA.

2. Plaintiff and its connecting carriers at all times mentioned were common carriers by railroad engaged in interstate commerce and doing business in the United States.

3. Defendant, LANSING, a Delaware corporation, is a terminal for the movement of asphalt with its principal place of business at 3900 South Creyts Road, Lansing, Michigan and has a registered agent at 40600 Ann Arbor Road E, Suite 201, Plymouth, Michigan 48170.

UNDERLYING FACTS

4. The subject matter of this action stems from charges assessed under Canadian National Railway Company (“CN”) Tariff 9000, published by the plaintiff’s parent company CN on its behalf.

5. On or about April 1, 2017 through June 15, 2017, GTW performed the services for LANSING which unloaded the cars GTW placed. GTW gave notice to LANSING of its demurrage tariff prior to the placement of the railcars.

6. Pursuant to the applicable tariff, CN Tariff 9000, there accrued to GTW charges for these services in the sum of **\$76,500.00** US Dollars. Copies of the Invoices showing the amount due for each are attached hereto as **Exhibit “A.”**

7. These charges were billed and payment demanded for the services rendered by GTW to LANSING at LANSING’S headquarters, from where the bills have always been disputed and/or paid; however, the defendant has disputed and refused to pay or the bills noted in this Complaint.

WHEREFORE, plaintiff GTW demands that judgment against the defendant **LANSING** be entered on this Complaint in the amount of **\$76,500.00** in US Dollars, **plus any additional charges that may be due at the time of hearing**, together with prejudgment interest from the date of service, and for costs and disbursements of the Complaint.

CAPEHART & SCATCHARD, P.A.
A Professional Corporation
Attorneys for Wisconsin Central Ltd.

DATED: April 24, 2018

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